

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

AMANDA FENNELL,)
Plaintiff,) CASE NO.: 1:18-cv-01667
v.) JUDGE:
THE CLEVELAND CLINIC)
FOUNDATION, ET AL.,) NOTICE OF REMOVAL
Defendants.)

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants The Cleveland Clinic Foundation and Kayla Cousineau (collectively “Defendants”) hereby remove to this Court the action brought by Plaintiff Amanda Fennell (“Plaintiff”) in the Cuyahoga County Court of Common Pleas styled *Amanda Fennell v. The Cleveland Clinic Foundation, et al.* assigned Case No. 18 CV 899826 (the “State Action”). In support of this Removal, Defendants state as follows:

1. On or about June 21, 2018, Plaintiff filed the State Action in the Cuyahoga County Court of Common Pleas. A true and accurate copy of the State Action Complaint and Summons (the “Complaint”), is attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a). No pleadings or other orders beyond those attached as Exhibit A have been filed in the Cuyahoga County Court of Common Pleas.

2. Plaintiff has alleged that the issues before the Court include a claim under the Family and Medical Leave Act (“FMLA”) retaliation and interference. (*See* Complaint.)

3. Defendants are entitled to remove this action to this Court because this case arises, in part, under the laws of the United States; specifically, the FMLA, 29 U.S.C. § 2615 through 29 U.S.C. § 2617. This Court has original jurisdiction over such actions pursuant to 28

U.S.C. § 1331, and this action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441.

4. Defendants The Cleveland Clinic Foundation and Kayla Cousineau were notified of this lawsuit when they were served with a copy of the Summons and Complaint on June 27, 2018 and June 26, 2018, respectively. Accordingly, this Notice of Removal is being filed within thirty days after service and therefore has been timely filed pursuant to the provisions of 28 U.S.C. § 1446(b).

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because fewer than thirty (30) days have elapsed since Defendants The Cleveland Clinic Foundation and Kayla Cousineau were served with a copy of Plaintiff's Complaint.

6. The United States District Court for the Northern District of Ohio, Eastern Division, is the District embracing the place where this action is pending and where events alleged in the Complaint purportedly occurred. Therefore, the civil action described above may be removed to this Court pursuant to 28 U.S.C § 1441(a).

7. Defendants have filed a true and correct copy of this Notice for Removal with the Clerk of Courts for the Cuyahoga County Court of Common Pleas, together with the Notice filed therein and served upon Plaintiff's counsel. 28 U.S.C. § 1446(d). A true and accurate copy of Defendants' Notice filed with the Cuyahoga County Court of Common Pleas is attached as Exhibit B.

8. Defendant The Cleveland Clinic Foundation has separately and contemporaneously filed a Corporate Disclosure Statement. Fed. R. Civ. P. 7.1; S.D. Loc. R. 7.1.1.

9. By filing this Notice of Removal, Defendants do not waive any defenses that may be available.

10. Defendants request that this Court take jurisdiction of this action to its conclusion and to final judgment to the exclusion of further proceedings in the state court, in accordance with the law.

WHEREFORE, Defendants file this Notice of Removal so that the entire State Action, Case No. 18-CV-899826, now pending in the Cuyahoga County Court of Common Pleas, Ohio may be removed to this Court for all further proceedings.

Respectfully submitted,

/s/ Rebecca J. Bennett _____
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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing has been filed with the Court this 19th day of July, 2018 through the Court's Electronic Filing System. Parties may access this document through that System.

/s/ Rebecca J. Bennett

One of the Attorneys for Defendants

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